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POLLACK SOLOMON DUFFY LLP  
43 West 43<sup>rd</sup> Street, Suite 174, New York, NY 10036  
617-439-9800  
prakhunov@psdfirm.com

August 1, 2023

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2201  
New York, NY 10007

Re: *Kitchen Winners NY Inc. v. Rock Fintek LLC*, Case No. 22-cv-05276-PAE  
**Reply to Letters Regarding Motion for Extension of Discovery Deadline**

Dear Judge Engelmayer:

This firm represents defendant and counterclaim/third-party plaintiff Rock Fintek LLC. In light of the Court's July 27, 2023 Order (ECF 97), Rock Fintek respectfully amends its request for an extension of discovery to a shorter time, through Friday, November 3, 2023, the last business day before undersigned starts a trial in the District of Maine.

In addition, Rock Fintek briefly responds with the following three points addressing the JNS Parties' and Adorama Parties' letters dated July 28 and July 31, as follows:

Deposition Scheduling. First, contrary to the positions that Mr. Frisch suggests Rock Fintek has taken as to deposition scheduling, as of the date of this letter, the parties have scheduled a deposition of one Rock Fintek witness for August 29, 2023 and are in the process of scheduling a second witness in August, the two of whom are likely to share corporate representative duties. The parties also appear to have agreed on October 10 and 12 for depositions of two Adorama Parties' witnesses and are working on scheduling the deposition of Mr. Stern in early October.

Rock Fintek's Production. Second, Mr. Frisch's statement in his submission that Rock Fintek "was quite delayed in producing its own documents, *waiting until well into July* to produce its own documents" is incorrect. Rock Fintek made an initial document production on September 21, 2022, a supplemental production (in native form) on September 23, 2022, and a large supplemental production on June 27, 2023. Copies of transmittal emails are attached as Exhibit A.

Adorama Parties Discovery Deficiencies. Third, earlier this evening, Rock Fintek circulated a detailed list of discovery deficiencies with the Adorama Parties' productions. A copy of counsel's email identifying discovery issues is attached as Exhibit B.

Accordingly, Rock Fintek respectfully requests that the Court either allow Rock Fintek's modified request for an extension of the fact discovery through November 3, 2023, or schedule an informal telephonic conference to discuss this matter.

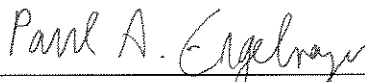
Respectfully submitted,

/s/Phillip Rakhunov  
Phillip Rakhunov

cc: All counsel (via ECF)

The Court has reviewed the parties' letters as to defendant and third-party plaintiff Rock Fintek LLC's ("Rock Fintek") request for a discovery extension. Based on the parties' representations as to the discovery outstanding, the Court extends the deadline for fact discovery to October 15, 2023 and the deadline for expert discovery to November 13, 2023. Furthermore, the Court adjourns the next case management conference to December 7, 2023 at 11 a.m. Consistent with this Court's Individual Rules, any party that intends to move for summary judgment shall file, within two weeks of the close of expert discovery, a letter requesting that the Court treat the conference as a pre-motion conference. Other parties shall respond within one week.

The Court denies the longer extension sought by Rock Fintek because (1) all other parties consent to an extension only through October 15, 2023; and (2) Rock Fintek has not made an adequate showing that a longer extension is necessary to accommodate the discovery needs of this case. The Court expects that the parties will promptly address the alleged deficiencies in their respective requests and productions. There will be no further extensions absent extraordinary circumstances. SO ORDERED.



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PAUL A. ENGELMAYER  
United States District Judge  
August 2, 2023